

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

JAMES LEE ABBOTT,

Plaintiff,

v.

CIVIL ACTION NO. 3:15-12801

CAROLYN W. COLVIN,
Acting Commissioner of the
Social Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court grant Plaintiff's request for judgment on the pleadings (ECF No. 12) to the extent that it requests remand of the Commissioner's decision; deny Defendant's request to affirm the decision of the Commissioner (ECF No. 13); reverse the final decision of the Commissioner; remand this matter pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the findings; and dismiss this action from the docket of the Court. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **GRANTS** Plaintiff's request for judgment on the pleadings (ECF No.

12) to the extent that it requests remand of the Commissioner's decision; **DENIES** Defendant's request to affirm the decision of the Commissioner (ECF No. 13); **REVERSES** the final decision of the Commissioner; **REMANDS** this matter pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings; and **DISMISSES** this action from the docket of the Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: December 13, 2016



ROBERT C. CHAMBERS, CHIEF JUDGE